

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 12, 2002**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Centra Health / Rivermont School**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Centra Health's Rivermont School has petitioned for a CUP at 1350 Liggates Road to allow the use of an existing structure for a K-12 school in an R-2, Single-Family Residential District. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the Comprehensive Plan, in that school uses are permitted in residential areas.
- Petition agrees with Zoning Ordinance in that school uses are permitted in residential districts upon approval of a CUP by the City Council.
- Petition proposes a use that is less intensive than currently exists on the subject property.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

October 23, 2002: Planning Division recommended approval of the CUP.
Planning Commission recommended approval (6-0, with one member absent) of the CUP with the following conditions:

1. The total number of students will be limited to forty (40).
2. High School students will not be permitted to drive to or from school.
3. Improvements will be made to make the existing building handicapped accessible as determined by the Inspections Division.
4. The existing chain link fence will be kept in a good state of repair.
5. In the event that additional lighting is found to be necessary, any exterior lighting shall be non-directional and glare shielded so that no direct illumination shall occur across the property line.
6. The Conditional Use Permit is subject to repeal by the City Council if the school becomes a nuisance to the community.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan
- Narrative
- Citizen petition
- LPD, Call For Service Reports

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CENTRA HEALTH/RIVERMONT SCHOOL TO OPERATE A SCHOOL, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Central Health/Rivermont School for a Conditional Use Permit for use of the property at 1350 Liggates Road as a school, grades K-12, for up to forty (40) students be, and the same is hereby, approved, subject to the following conditions:

1. The total number of students will be limited to forty (40).
2. High School students will not be permitted to drive to or from school.
3. Improvements will be made to make the existing building handicapped accessible as determined by the Inspections Division.
4. The existing chain link fence along Liggates Road shall be kept in a good state of repair.
5. In the event that additional lighting is found to be necessary, any exterior lighting shall be non-directional and glare shielded so that no direct illumination shall occur across the property line.
6. The Conditional Use Permit is subject to repeal by the City Council if the school becomes a nuisance to the community.

Adopted:

Certified:

Clerk of Council

220L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504434-847-1508

To: Planning Commission
From: Planning Division
Date: September 25, 2002
Re: CONDITIONAL USE PERMIT (CUP): 1350 Liggates Road

I. PETITIONER

Centra Health, Rivermont School, 2220 Langhorne Road, Lynchburg, VA 24501

Representative: Dr. Lloyd Tannenbaum, Director Rivermont School, 2220 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of 5.5 acres located at 1350 Liggates Road.

Property Owner: City of Lynchburg, P.O. Box 60, Lynchburg, VA 24505

III. PURPOSE

The purpose of this petition is to allow the use of an existing building for a K-12 School with up to forty (40) students in an R-2, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, in that school uses are permitted in residential districts.
- Petition agrees with the Zoning Ordinance in that school uses are permitted in residential districts upon approval of a CUP by the City Council.
- Petition proposes the use of an existing building for a K-12 School with up to forty (40) students.
- Petition proposes a use that is less intensive than currently exists for the subject property.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Public Use for the subject property. The Lynchburg *Comprehensive Plan* defines a public use as "properties currently owned and operated by government (local, State, Federal) excluding public parks and recreation centers, but including City Hall and other City government buildings, public schools, police stations, fire stations, libraries, museums, and others. Although the City of Lynchburg will own the property, the petitioner will operate the school. Students are referred to the school by the public school systems in the City and surrounding Counties.

In order to preserve the neighborhood fabric of residential neighborhoods, the *Comprehensive Plan* recommends that institutions such as schools work with surrounding neighborhoods to prepare master plans that document any expansion projects and their impacts. The petitioner conducted neighborhood meetings on September 12 and September 30. The petitioner has also encouraged residents of the surrounding neighborhoods to visit the current facilities at 2220 Langhorne Road to observe the schools operation. According to the petitioner no neighborhood residents had visited the current school facilities and no resolution has been made to the neighborhoods concerns at the time this report was written.

2. **Zoning.** The subject property was annexed into the City in 1926 and has been zoned for single-family use since that time. The existing R-2, Single -Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The submitted petition does not propose to change the existing R-2, Single -Family Residential zoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building and parking additions.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.

- On August 10, 1993 the City Council approved the CUP petition of Cornerstone Church for the operation of a K - 10th grade school for up to 125 students at 1350 Liggates Road.
 - On July 11, 1995 the City Council approved the CUP petition of New Covenant School for the installation of a modular classroom unit at 1350 Liggates Road.
5. **Site Description.** The subject property is bordered to the north (across Craighill Street) by a multi-family residential apartment complex, a vacant lot, and single-family residences; to the east by vacant land and a single family residence; and to the south (across Handy Street) and west (across Liggates Road) by single-family residences. The existing building, which was constructed in 1950, is situated on a parcel of 5.5 acres. The property was originally used as the Fort Hill Elementary School that closed in 1979. The property has been used for various school uses since that time and has most recently been occupied by New Covenant Schools. City Zoning Maps indicate that a school use has existed on the property since 1930. There are seventeen (17) parking spaces available in a parking area to the rear of the existing building. A large fenced playground area is also located on the subject property.
 6. **Proposed Use of Property.** The proposed use of the property is for a K-12 school for up to forty (40) children.
 7. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the petition as submitted.
 8. **Storm Water Management.** A storm water management plan will not be required for the project.
 9. **Impact.** Rivermont School was established in Lynchburg in 1986 by Centra Health. The petitioner has opened similar schools in Roanoke, Chatham, Chase City, Manassas, and Hampton. The school is currently located at 2220 Langhorne Road, in what was previously known as the "Shoppers Fair" or the "A&P Building". This property is not conducive to a school atmosphere, as there are no windows in the building or opportunities for outside recreation. Previously the school was leasing property at 3024 Forest Hills Circle but was forced to move when the owner sold this property.

The Rivermont School operates on the same calendar as that of the Lynchburg City Schools. Classes are scheduled during the hours of 7:30 a.m. to 1:30 p.m. Occasional parent / teacher conferences occur after normal school hours. The school currently has a total of twenty-five (25) students and maintains a student to staff ratio of one (1) staff to two and five tenths (2.5) students. The current school population consists of:

Elementary - 8

Middle School - 8

High School - 9

Staff - 14

The Zoning Ordinance defines a school as "an institution, including kindergartens providing full-time day instruction and a course of study, which meets the requirements of the laws of the State of Virginia. The Rivermont School is licensed by the Virginia Department of Education, and is fully accredited with the Virginia Association of Independent Specialized Education Facilities (VAISEF) and the Southern Association of Colleges and Schools (SACS). Courses of study are coordinated with the public school system.

On August 10, 1993 the City Council approved the CUP petition of Cornerstone Community Church for the use of the subject property as a kindergarten-to-tenth grade school for up to one hundred twenty five (125) students. The City's Zoning Official determined that the approval of a new CUP would be required by the City Council because the current petition proposes the addition of high school students. The petition as submitted is actually less intensive than the original CUP approved by the City Council. A total number of forty (40) students are proposed instead of the original one hundred twenty five (125) and all students will be transported to and from school by bus or taxi. Traffic congestion associated with the originally approved CUP will be minimized or become non-existent. Other nuisance factors such as noises that are associated with large numbers of children should also be reduced.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 17, 2002. Comments related to the proposed additions were minor in nature and have or will be addressed by the developer prior to final site plan approval.

11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Centra Health's Rivermont School for the use of an existing building as a K-12 school with up to forty (40) students subject to the following conditions.

1. The total number of students will be limited to forty (40).
2. High School students will not be permitted to drive to or from school.
3. Improvements will be made to make the existing building handicapped accessible as determined by the Inspections Division.
4. The existing chain link fence along Liggates Road shall be kept in a good state of repair.
5. In the event that additional lighting is found to be necessary, any exterior lighting shall be non-directional and glare shielded so that no direct illumination shall occur across the property line.
6. The Conditional Use Permit is subject to repeal by the City Council if the school becomes a nuisance to the community.

This matter is respectfully offered for your consideration.

William T. Martin
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas DeJarnette, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Tracey Norvelle, Petitioner/Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern - (see attached map)
2. Vicinity Proposed Land Use - (see attached map)
3. Site Plan - (see attached site plans)
4. Narrative - (see attached Narrative)

Minutes from the October 23 Planning Commission meeting

Petition of Centra Health, Rivermont School for a Conditional Use Permit at 1350 Liggates Road for the use of an existing structure for a Kindergarten-Twelfth Grade School in an R-2, Single-Family Residential District.

Mr. Martin explained that the City Assessor's records indicate that the subject property had been used as a school since 1950, and the City Zoning maps show a school use for the property as far back as 1930. He said the original Conditional Use Permit (CUP), which was approved for a private school in August 10, 1993, was for Cornerstone Community Church, which was for K-10 and had an enrollment of up to 125 students. He added that the property was currently being used by New Covenant School, which received a CUP from Council on July 11, 1995 for an addition of a modular classroom unit. He said the major issue associated with these both of these CUPs was that of traffic. Mr. Martin continued by saying that the Rivermont School proposed a use of the property for a K-12 school with up to 40 students with one staff member for every two and a half students. He said the school day was from 7:30 a.m. – 1:30 p.m., and followed the public school calendar year. He continued by saying that the students would be bused or taxied to school, which should eliminate any traffic problems. He added that the City's Traffic Engineer had no concerns with traffic issues as related to this petition.

Mr. Martin said the City Zoning Ordinance defined a school as an institution which included kindergardens, provided full-time instruction and a course of study which met the requirements of the State of Virginia, and added that the Rivermont School was licensed by the Virginia Department of Education. He said that the petition was in compliance with the Comprehensive Plan and the Planning Division recommended approval of the subject petition as it was a less intensive use than currently existed for the property. Mr. Martin told the Commission that he had several people who had contacted him to voice their opposition or support for the petition, which he would read into the record.

The following citizens voiced their opposition to the petition due to the violent nature of the children, the for-profit status for the school, damage to property values, not appropriate for the neighborhood, and/or traffic problems:

- Shirley Smith and George L. Smith, 103 Pennsylvania Avenue
- Kay Montgomery, 115 Pennsylvania Avenue
- Dexter Gains, 202 Oak Ridge Boulevard
- Tommy Stratton, 203 Oak Ridge Boulevard
- Kay and Tom Davis, 3909 Handy Street
- Elsie and Benjamin Smith, 3700 Fort Avenue
- Carol Tyree, 3801 Fort Avenue
- Mr. Keaton, Fort Avenue
- Jim Curtis, 3801 Fort Avenue
- Gail Wright – Fort Hill community
- Ms. Robinson – Vermont Avenue

The following citizen voiced her support for the petition:

An anonymous female said she had lived on Liggates Road for 39 years. She said she had worked night shift for sixteen years with no problem sleeping during day due to children playing next door. She added that she had no problem with current school and no problem with proposed school. The neighbor also stated that she did not want the school building torn down.

Dr. Lloyd Tannenbaum, Director of Rivermont School, 2220 Langhorne Road, spoke for the petition. Dr. Tannenbaum explained that the school began operation in the 1986-87 school year and was housed at Virginia Baptist Hospital with one teacher and four students – he was that one teacher member. He said since that time, the one school had expanded to six schools across the Commonwealth and served over 200 students. He added that the schools owned by Centra Health were licensed by the State Department of Education and fully accredited by the Virginia Association of Independent Specialized Education Facilities and the Southern Association of Colleges and Schools. Dr. Tannenbaum said the Fort Hill Elementary site was very desirable because the building was designed and built to accommodate a school setting. He added that the neighborhood was a clean, stable, crime-free residential community, which was the type of environment a parent of a school aged child preferred. He added that Centra Health intended to upgrade and make repairs to the HVAC, electrical, and plumbing systems, and would also landscape the site. Dr. Tannenbaum introduced the principal of the school, Dr. Beth Ackerman, who was responsible for the day to day activities of the school.

Dr. Beth Ackerman, principal of Rivermont School at 2220 Langhorne Road, addressed the Commission. She said she had been with Rivermont Schools for eight years and began as a teacher; five of those years as the principal of the Chatham School and was currently in her first year as the principal of the school here in Lynchburg.

Dr. Ackerman describe a typical day for a student of the school as beginning at 7:30 a.m. arriving by a school bus. She said since the enrollment was forty (40) students, only four – five students may be dropped of by their parents. She continued by saying that the students were fed breakfast and lunch, and in between those meals had their academic studies, which included subjects typical to the public schools. She added that all breaks were supervised by the staff, which had a 1 - 2.5 ratio. Dr. Ackerman said the school day ended at 1:30 p.m. She said her vision for Rivermont School at the proposed site was to be move of a community school with a good relationship with the neighbors.

Dr. Ackerman continued by saying that Centra Health was aware of opposition to the school and had decided to poll the neighborhood to hear what that opposition was. She said they polled 248 houses beyond the 200-foot radius of adjoining property owners that the City notified. She said of that poll, there was a thirty-(30) percent response rate, and of those responses, fifty-eight (58) percent were positive to the project and ten (10) percent were in opposition. She continued by saying that Centra conducted a second poll and narrowed the radius down to the 200 feet that the City typically notified. She said that poll resulted in a forty-two (42) percent response rate with fifth-six (56) percent voicing approval and twenty (20) percent voicing opposition. Dr. Ackerman read some of the comments from the polls, which were as follows:

- Looking forward to having the school as part of the neighborhood.
- The school is needed for students like my son.
- The school can be used for a great purpose; helping children and parents.
- There will be less traffic and quieter.
- Rivermont Schools deserve an environment equal to that provided for all other Lynchburg City School students.

Dr. Ackerman said these results were encouraging to her and knew this school could become a community school. She said this was a win-win situation.

Mr. Ted Craddock, Attorney, 2306 Atherholt Road, represented 59 residents of the Fort Hill neighborhood who opposed the petition filed by Centra Health. Mr. Craddock said he had a petition of 127 names and addresses of citizens who oppose the CUP, which he shared with the Planning Division and with Mr. Tom Jividen of Centra Health. He said the people in the neighborhood were not anti-education, not anti-children, nor did they oppose Rivermont School's mission, but believed that this was not the proper location for this

type of school nor any other institutional use. He said the fact that a school had been at that site since the 1950's did not mean that a school ought to be there now. Mr. Craddock reported that the neighbors found out about this project when they saw an article in the newspaper indicating that Centra Health was trying to lease the proposed site from the City. At that point, he said, Centra Health and the neighbors found out that the school could not just lease the property, but needed to get a CUP from the Planning Commission and City Council.

Mr. Craddock continued by saying that the neighborhood meeting on September 12 was arranged by the neighbors, who invited Centra Health to attend to answer their questions. At that meeting Dr. Tannenbaum indicated that there had been no calls to the police due to violent children; however, a policeman in attendance said there had been a call due to a violent child. Mr. Craddock said the meeting on September 30 was held by the neighborhood watch. He asked those members of the neighborhood watch who were in attendance to stand. Twelve people from the neighborhood watch stood in opposition to the petition. Mr. Craddock shared a police report with the Commissioners that was from the Forest Brook Circle site of the Rivermont School. He said most of those calls were made between Monday and Fridays during the hours of school operation and was for the time period of January 1995 – August 2002.

Mr. Craddock said this was a land use issue. He said he had researched other locations of the Rivermont Schools throughout the state and did not think they were in neighborhoods like the proposed site. He said the current Lynchburg location was in a building on Forest Hill Circle, which was an area of mixed businesses, multi-family and single family homes. He said the school was more of a business use, which was proposed for a site that did not need a school. He said there would be a lot of traffic associated with this institutional use. He added the fact that the building had been there since 1951 did not mean it ought to continue being used as a school.

Mr. Craddock said in summary that he did not think this was what the Comprehensive Plan called for in that area. He said this was an opportunity to end an intrusion in the neighborhood. He said if the Commission denied this petition they would not be denying anyone from using their property since the property was owned by the City. He said the City could do something else with this property such as build a park or sell the property to a developer for use as R-2 housing. He said this was an opportunity to lessen the impact on the neighborhood and asked the Commissioners to not recommend this petition to City Council.

Mr. Rick Pillow, 1307 Rittenhouse Street, addressed the Commission in opposition to the petition. Mr. Pillow said he and his family were not opposed to what Rivermont School did on a day-to-day basis, but were concerned with the violent tendencies of the students who attended the school. He said the Rivermont School in the Roanoke area was in a business zone on Rt. 460 near a Texaco and an Advanced Auto store, which seemed to be a more appropriate area than the Fort Hill residential site. He added that when the neighborhood met with Centra Health, he did not think they got the answers they needed to hear and it looked as if Centra was appealing to the neighborhood as an after thought. He said he did not respond to the survey he received from Centra Health, but if he had responded, he said there would have been four people in his home opposed to the project. Mr. Pillow said the school was not the right fit for the neighborhood and asked the Commissioners to keep that in mind when they voted on this petition.

Dr. Ackerman gave a rebuttal. She said the reason they chose the Fort Hill Elementary building was because it was already a school building, which was a very rare find. She said there was already a playground and classrooms, not offices that had been converted into classrooms.

Dr. Ackerman said in the sixteen years Rivermont Schools had been in operation, and had grown to six different locations, they had never had a complaint from a neighbor. She said one reason for their success was the high student-teacher ratio, and added that most all of the incidents noted on the police reports were made internally to have additional support for situations. She assured the citizens in attendance and the Planning Commission that the students were safe.

Mr. Craddock gave a rebuttal for the opposition. He said any institutional use was going to generate police calls. He added that schools were different today than what they were in 1951.

Mrs. Darlene Zick, 1355 Liggates Road spoke in opposition to the petition. Mrs. Zick said she would be afraid to live in her house with dangerous children in the area, and would be afraid to go from her house to her car. She added that she had invested her life savings in her home and thinks the property value of her home would drop if Rivermont School moved into the neighborhood.

Commissioner Wilkins asked how the students would be arriving at the school. She said that the last CUP granted for this site had parking and drop-off issues, but the petitioner seemed to develop a good plan for those concerns. She asked if there was a similar plan for parents who would need drop their children off?

Dr. Ackerman said that most students would arrive at school on a bus. She said occasionally a parent would bring their child to school if the child had a doctor's appointment or other appointment, but typically, they all ride the school bus. She explained that there were only twelve staff members so there was ample parking. She said there would be a plan in place that made for a much smoother drop-off process. She said most of the students would arrive at the school by bus, and even with the five or six vehicles that may drop off students at the same time, the traffic would be so low, there would be no problems.

Commissioner Wilkins asked Mr. Martin if Gerry Harder, the City Traffic Engineer, was in agreement with this plan.

Mr. Martin said that Mr. Harder was OK with the drop-off process. He said a Planning Department staff member filmed a video of the drop-off/pick-up process that New Covenant had in place, and it worked fairly smoothly. He added that the point to remember was that the number of students attending the school would only be forty (40), and most of them would be bussed or taxied to school. He said this was unlike New Covenant School, which did not provide any type of transportation service to their students.

Commissioner Echols said that was a very nice neighborhood and saw no problem with the neighbors and the school joining in an effort to educate young people.

Chair Dahlgren asked Dr. Tannenbaum about the location of their other schools.

Dr. Tannenbaum said having a school building come available anywhere Centra Health had a school was very rare. He said of all of their schools, only two were in old school buildings. He said if this petition was approved, this would be their third school building, but the only one of the three located in a residential area.

Commissioner Pulliam said he thought the surrounding property would be further devalued if the school was vacant and not in use. He said with the regulations set forth by the Planning Commission, he did not see a problem with supporting the petition.

Commissioner Wilkins asked how the Rivermont School compare to the Bridges Treatment Center.

Dr. Tannenbaum said the students at Rivermont represent children who don't need as restrictive, acute, clinically therapeutic setting as does students at Bridges. He said the children at Rivermont School have been evaluated by a team of professionals and the belief is that these children can function adequately by living at home and attending a specialized school such as Rivermont. He said they did not need a 24-7 residential facility like Bridges.

Commissioner Wilkins said this was a good use for the building. She added that she owned property that adjoined Centra Health's Bridges Treatment Center and she had never had a problem with that property or

the students who live there. She said this use seemed to be a less intensive use than Bridges and thought this was an appropriate use for the school.

Commissioner Moore asked what happened to the students when the school day was over at 1:30 and also during the summer months when there is no school.

Dr. Ackerman said when the school day was over, the students return to their parents and to the community. She added that the Rivermont School followed the Lynchburg City School schedule with the same holiday and summer breaks. She said that one summer they provided a one-month program to provide structure in the student's lives, and there was a possibility that they would have a similar program in the future. Dr. Ackerman said Rivermont School students follow the same snow routes as the City Schools and actually use the same buses and drivers, which is why they begin their day at 7:30 a.m.

Commissioner Flint said his office on Forest Hill Circle was a neighbor to the current Rivermont School and their group home, and there had never been a problem in the area. He added that he had attended Fort Hill Elementary as a child and thought this was a great opportunity for the building to be maintained by Centra Health. He said the site on Liggates Road was comparable to Forest Hills Circle as it was within walking distance of commercial zoning, and was adjacent to multi-family and single-family houses.

Commissioner Moore said the main objective was the land use issue, which he had no problems with. He added that he had made a list of pros and cons for the petition, and compared to the previous school, the Rivermont School had the advantage. He explained some of those reasons as being due to the lower student-teacher ratio, the lower number of police calls to the existing Rivermont School, the lower number of vehicles associated with the school, the lower number of students, and the shorter hours of operation. Commissioner Moore said the situation could be much worse if the property was not utilized or if someone tried to rezone to a multi-family use. He explained that there would be more people living there, more vehicular usage, possibly more police calls, and there would be less of a neighborhood fabric than what currently exists. Commissioner Moore said he saw a lot of reasons to support the petition and a tremendous opportunity for the neighborhood to become a partner with the Rivermont School and support the forth students who would be attending it. He added his support for the petition.

Chair Dahlgren said he hated to see contentious situations between neighbors and the petitioner. He agree with Commissioner Moore as this being an opportunity for the neighbors to work together to support the school. He said he supported the petition.

After further discussion, Commissioner Echols made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Centra Health's Rivermont School for the use of an existing building as a K-12 school with up to forty (40) students subject to the following conditions.

1. The total number of students will be limited to forty (40).
2. High School students will not be permitted to drive to or from school.
3. Improvements will be made to make the existing building handicapped accessible as determined by the Inspections Division.
4. The existing chain link fence along Liggates Road shall be kept in a good state of repair.
5. In the event that additional lighting is found to be necessary, any exterior lighting shall be non-directional and glare shielded so that no direct illumination shall occur across the property line.

6. The Conditional Use Permit is subject to repeal by the City Council if the school becomes a nuisance to the community.”

AYES: Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins

6

NOES:

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ABSTENTIONS:

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